

Senate File 384 - Introduced

SENATE FILE _____
BY McKINLEY _____

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring the board of directors of a school district to
2 adopt a student promotion policy and providing for related
3 matters.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1659XS 83
6 kh/nh/24

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1 1 Section 1. NEW SECTION. 279.68 STUDENT PROMOTION OR
1 2 RETENTION.
1 3 1. Beginning July 1, 2012, a student enrolled by a school
1 4 district in grade three who at the completion of grade three
1 5 is more than one year below grade level in reading as
1 6 determined by reading assessments administered pursuant to
1 7 this section, shall not be promoted to grade four unless it is
1 8 determined that retention at the current grade level would not
1 9 be in the best interest of the child as provided in the
1 10 student promotion policy adopted by the school in accordance
1 11 with this section.
1 12 2. Beginning August 1, 2009, the board of directors of
1 13 each school district shall adopt a student promotion policy
1 14 that facilitates collaboration among teachers, parents, and
1 15 guardians of the students, and the school district to support
1 16 student reading at grade level. The policy shall address the
1 17 assessment of, and the establishment of performance levels
1 18 for, a student identified as limited English proficient and a
1 19 student identified as a child requiring special education.
1 20 The policy shall be developed, and annually updated, with
1 21 input from school administrators, teachers, parents, and
1 22 guardians. Annually, by the first day of school, the school
1 23 district shall notify the parents and guardians of students in
1 24 grades kindergarten through grade three of the district's
1 25 student promotion policy.
1 26 3. a. To identify students at risk of reading failure,
1 27 beginning July 1, 2010, students enrolled in kindergarten
1 28 through grade three in a school district shall be assessed at
1 29 the beginning of each school year and throughout the school
1 30 year as necessary by ongoing assessments of their reading
1 31 skills or early literacy development including but not limited
1 32 to phonological awareness, reading fluency, and alphabetic
1 33 principle. At least annually, within the first three months
1 34 of the school year, the school district shall provide written
1 35 notice to the parent or guardian of the student's Iowa grade
2 1 equivalency.
2 2 b. The department of education shall establish by
2 3 administrative rule a list of approved reading or early
2 4 literacy development assessments, which shall be provided to
2 5 each school district. This list shall include the dynamic
2 6 indicators of basic early literacy skills and the Iowa test of
2 7 basic skills.
2 8 c. (1) The director of the department of education shall
2 9 establish a committee to assist with the development of rules
2 10 required pursuant to paragraph "b", to review and recommend
2 11 reading and early literacy development assessments that
2 12 measure a student's reading skills or early literacy
2 13 development, including assessments that do the following:
2 14 (a) Assess a student's reading skills or early literacy
2 15 development progress throughout the school year.
2 16 (b) Indicate grade level competencies that have been
2 17 attained.

(2) The committee may review and recommend reading skill or early literacy development assessments that been developed or utilized by other states to the extent that the tests are appropriate for use under this section.

(3) The assessments recommended by the committee shall be thoroughly researched and demonstrated to be reliable and valid indicators of reading progress. In developing its recommendations, the committee shall review the requirements of the federal No Child Left Behind Act of 2001, Pub. L. No. 107-110, and any federal regulations adopted pursuant to the federal Act, to align the committee's recommendations with the requirements of the federal Act when possible in order to minimize any additional burden the committee's recommendations may place on a school district. The committee shall provide a progress report to the general assembly annually until July 1, 2013, and biennially thereafter.

(4) The majority of members appointed to the committee shall be supportive of research-based reading instruction described in the 2003 edition of the report issued by the center for improvement of early reading achievement report titled "Put Reading First: The Research Building Blocks for Teaching Children to Read".

4. The board of directors of each school district shall establish a committee composed of stakeholders to develop reading instruction programs that meet the requirements of this section. The reading instruction programs shall include but not be limited to:

- a. Curriculum using systematic and explicit phonics instruction.
- b. Sufficient additional in-school instructional time for the acquisition of phonological awareness, reading fluency, and alphabetic principle.
- c. Tutorial instruction.
- d. Periodic reassessments to measure the reading skills or early literacy development including but not limited to phonological awareness, reading fluency, and alphabetic principle, as identified in the student's individualized reading instruction program.
- e. Additional in-school instructional time during the summer.

5. Beginning July 1, 2010, if the results of assessments administered pursuant to this section indicate intervention is necessary, the school district shall provide written notice to the parent or guardian of the student's Iowa grade equivalency and the options available to the parent or guardian as provided in subsection 4. A parent or guardian of a student shall be included in the development of an individualized program of reading instruction for the student.

6. Beginning July 1, 2010, if the results of assessments administered pursuant to this section indicate the student is reading above grade level, the school district shall provide written notice to the parent or guardian of the options available to the parent or guardian for enrichment activities for the child.

7. Beginning July 1, 2010, for any grade three student found reading more than one year or more below grade level as determined by reading assessments administered pursuant to this section, a new intensive reading instruction plan, which shall include specialized tutoring by the school district, shall be developed and implemented. The school district is encouraged to provide tutorial instruction in a manner that would minimize interference with a student's instructional time in the classroom. Tutorial instruction may be offered before or after regular school hours.

8. Beginning July 1, 2012, the school board shall decide in favor of a student's promotion only if the school board concludes, using standards adopted by the school board, that if promoted and provided with additional or continued interventions, the student is likely to perform at grade level. However, a school board shall not deny a promotion to a student under the provisions of this section more than once.

9. A school district shall notify a parent or guardian in writing of the ability of the parent or guardian to appeal a school's decision to deny promotion of a student to the school board.

10. A decision of the school board to deny promotion is subject to appeal under section 290.1.

11. The director of the department of education shall conduct a review of school district student promotion policies, including the number of students in need of remediation in reading in kindergarten through grade three,

4 29 and the number of students who successfully completed their
4 30 individualized reading instruction program. The director
4 31 shall evaluate the data reported pursuant to this subsection
4 32 and shall submit a report of the findings and recommendations
4 33 resulting from the review to the general assembly by December
4 34 1, 2010, and biennially thereafter.

4 35 12. The state board of education shall submit its
5 1 recommendations for modifications to this section relating to
5 2 student promotion in a report to the general assembly by
5 3 December 1, 2011.

5 4 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
5 5 3, shall not apply to this Act.

5 6 EXPLANATION

5 7 This bill requires the board of directors of a school
5 8 district, beginning August 1, 2009, to adopt a student
5 9 promotion policy that facilitates collaboration among
5 10 teachers, parents, and guardians of the student, and the
5 11 school district, to support student reading at grade level.
5 12 Beginning July 1, 2012, the bill prohibits a school district
5 13 from promoting a student enrolled in grade three to grade four
5 14 if the student is more than one year below grade level in
5 15 reading, unless retention at the current grade level is
5 16 determined not to be in the best interest of the child. A
5 17 student cannot be denied promotion more than once.

5 18 Beginning July 1, 2010, students enrolled in kindergarten
5 19 through grade three in a school district must be assessed from
5 20 the beginning of and throughout the school year using ongoing
5 21 assessments of reading skills or early literacy development
5 22 including phonological awareness, reading fluency, and
5 23 alphabetic principle. The department of education is required
5 24 to establish by rule, and provide each school district with, a
5 25 list of approved reading or early literacy development
5 26 assessments.

5 27 The bill also requires the board of directors of each
5 28 school district to provide interventions to improve a
5 29 student's reading skills, and notify the parents and guardians
5 30 of students of the options under the school district's reading
5 31 instruction program. An intensive reading instruction plan,
5 32 including specialized tutoring, must be developed and
5 33 implemented by a school district for any grade three student
5 34 who is one year or more below grade level.

5 35 After July 1, 2012, if a student is more than one year
6 1 below grade level in reading, the school board can decide in
6 2 favor of the student's promotion only if the school board
6 3 concludes that if promoted and provided with additional or
6 4 continued interventions, the student is likely to perform at
6 5 grade level.

6 6 The bill requires the director of the department of
6 7 education to conduct a review of school district student
6 8 promotion policies and to submit findings and recommendations
6 9 resulting from the review to the general assembly by December
6 10 1, 2010, and biennially thereafter. The bill requires the
6 11 state board of education to submit recommendations for
6 12 modifications relating to student promotion in a report to the
6 13 general assembly by December 1, 2011.

6 14 The bill may include a state mandate as defined in Code
6 15 section 25B.3. The bill requires that the state cost of any
6 16 state mandate included in the bill be paid by a school
6 17 district from state school foundation aid received by the
6 18 school district under Code section 257.16. The specification
6 19 is deemed to constitute state compliance with any state
6 20 mandate funding-related requirements of Code section 25B.2.
6 21 The inclusion of this specification is intended to reinstate
6 22 the requirement of political subdivisions to comply with any
6 23 state mandates included in the bill.

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